IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7459 of 2006()

SC.116/2005 of ADDITIONAL DISTRICT COURT (ADHOC), THRISSUR
Crime No.563/2004 of Irinjalakuda Police Station

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: PETITIONER

K.K.JAYAN, S/O.KUTTAPPAN,
KALOORVADAKUMMURI HOUSE, MADAYIKONAM P.O.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT:

THE SUB INSPECTOR OF POLICE,
IRINJALAKUDA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7459 of 2006

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Dated this the 15th day of December, 2006.

ORDER

Petitioner, who is the third accused in Crime No.563 of 2004 of Irinjalakuda Police Station for offences punishable under Sections 341, 323, 324 and 308 read with Section 34 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the Additional Sessions Court (Fast Track I), Thrissur in the Sessions Case in which the petitioner was facing trial, the case against him was transferred to the long pending register and registered as L.P.No.7 of 2006. Admittedly, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted so as to nullity the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same day on which it is

filed after examining the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case has been acquitted.

This application is accordingly disposed of.

V.Ramkumar,
Judge.

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